

108TH CONGRESS
1ST SESSION

H. R. 1154

To provide that the International Criminal Court is not valid with respect to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2003

Mr. PAUL (for himself, Mr. NORWOOD, Mr. DUNCAN, Mr. GOODE, Mr. SESSIONS, Mrs. MUSGRAVE, Mr. FLAKE, and Mr. AKIN) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To provide that the International Criminal Court is not valid with respect to the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American
5 Servicemember and Citizen Protection Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) In December 1997, the General Assembly of
9 the United Nations called for the convening of a dip-

1 lomatic conference in Rome, Italy, from June 15
2 through July 17, 1998, to adopt a Convention on
3 the Establishment of an International Criminal
4 Court.

5 (2) Pursuant to this call, the United Nations
6 Diplomatic Conference of Plenipotentiaries on the
7 Establishment of an International Criminal Court
8 convened in Rome, Italy, and on July 17, 1998, pro-
9 posed the Statute of the International Criminal
10 Court for “ratification, acceptance, or approval” by
11 the member states of the United Nations.

12 (3) According to article 127 of the Statute of
13 the International Criminal Court, the Statute of the
14 International Criminal Court shall take effect upon
15 the “ratification, acceptance, or approval” of 60
16 member states.

17 (4) In April 2002, the 60th member state rati-
18 fied the Statute of the International Criminal Court.

19 (5) According to articles 12 and 25 of the Stat-
20 ute of the International Criminal Court, the jurisdic-
21 tion of the International Criminal Court shall extend
22 to individual United States citizens even if the
23 United States does not “ratify, accept, or approve”
24 the Statute of the International Criminal Court.

1 (6) On May 6, 2002, President George W.
2 Bush repudiated the signature of the United States
3 on the Statute of the International Criminal Court,
4 stating that the United States “can no longer be a
5 party” to the International Criminal Court and re-
6 questing that those who have chosen to be a party
7 to the Court respect the decision of the United
8 States.

9 (7) According to the 1969 Vienna Convention
10 on the Law of Treaties, no nation may be bound by
11 a treaty to which that nation has not consented;
12 therefore the United States, which has not consented
13 to the Statute of the International Criminal Court in
14 the manner prescribed by the Constitution of the
15 United States, cannot be bound by the Statute of
16 the International Criminal Court even if 60 coun-
17 tries ratify, accept, or approve it.

18 (8) The Statute of the International Criminal
19 Court is an ultra vires act, wholly unauthorized by
20 the Charter of the United Nations, since it was en-
21 acted by a Conference of Diplomats convened by the
22 United Nations General Assembly in contravention
23 of the powers of the United Nations Security Coun-
24 cil which, under the Charter of the United Nations,

1 alone has primary responsibility for the maintenance
2 of international peace and security.

3 (9) The Statute of the International Criminal
4 Court also contravenes the principle of government
5 only by the consent of the governed that is enshrined
6 in the American national charter, the Declaration of
7 Independence, because the International Criminal
8 Court claims jurisdiction over citizens of the United
9 States without their consent or without the consent
10 of the United States Government.

11 (10) The Statute of the International Criminal
12 Court also contravenes the principles of separation
13 of powers, federalism, and trial by jury that are
14 guaranteed by the Constitution of the United States,
15 because the International Criminal Court has been
16 endowed with legislative, executive, and judicial pow-
17 ers and with criminal jurisdiction without regard to
18 the jurisdiction of the United States and the several
19 States.

20 (11) The International Criminal Court, by de-
21 sign and effect, is an illegitimate court, established
22 contrary to the provisions of the Charter of the
23 United Nations, the American Declaration of Inde-
24 pendence, and the Constitution of the United States,
25 and as such, puts United States citizens in jeopardy

1 of unlawful and unconstitutional criminal prosecu-
2 tion, with members of the United States Armed
3 Forces placed especially at risk of politically moti-
4 vated arrests, prosecutions, fines, and imprisonments
5 for acts engaged in for the protection of the sov-
6 ereignty and independence of the United States.

7 (12) United States citizens generally, and mem-
8 bers of the United States Armed Forces in par-
9 ticular, deserve the full protection of the Constitu-
10 tion of the United States—the very body of law the
11 members of the Armed Forces risk life and limb to
12 protect.

13 **SEC. 3. PROHIBITION OF FUNDS.**

14 No funds appropriated or otherwise made available
15 by the United States Government for any purpose may
16 be used in any manner for the establishment or operation
17 of the International Criminal Court.

18 **SEC. 4. PROTECTION OF MEMBERS OF THE UNITED STATES**

19 **ARMED FORCES AND UNITED STATES CITI-**
20 **ZENS AND NATIONALS.**

21 (a) ACTIONS AGAINST MEMBERS OF THE ARMED
22 FORCES.—Any action taken by or on behalf of the Inter-
23 national Criminal Court against any member of the
24 United States Armed Forces shall be considered to be an
25 act of aggression against the United States.

1 (b) ACTIONS AGAINST UNITED STATES CITIZENS OR
2 NATIONALS.—Any action taken by or on behalf of the
3 International Criminal Court against any individual who
4 is a citizen or national of the United States shall be con-
5 sidered to be an offense against the law of nations.

6 **SEC. 5. PENALTIES.**

7 Any person who knowingly violates section 3 shall be
8 fined not more than \$50,000, or imprisoned not more than
9 5 years, or both.

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